

**REMARKS**

Claims 34-37 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Hawe et al. '528 ("Hawe"), and claims 21-33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hawe in view of JP '785. These rejections are respectfully traversed for the following reasons.

It is respectfully submitted that the Examiner has failed to set forth a proper showing of anticipation and obviousness of the claimed combinations. Specifically, each of the pending claims embodies a combination/arrangement of features and respective interconnections and functionalities. The Examiner merely lists the numerous claimed elements and alleges that broad, wide-ranging portions of the prior art disclose the specifically claimed combinations. However, the Examiner has not identified which elements of the prior art are being read on each of the claimed elements. In imposing a rejection under 35 U.S.C. § 102/103, the Examiner is required to point to "page and line" wherein an applied reference is perceived to identically disclose *each feature* of a claimed invention. (emphasis added). *In re Rijckaert*, 9 F.3d 1531, 28 USPQ2d 1955 (Fed. Cir. 1993); *Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481 (Fed. Cir. 1984).

In the instant case, the Examiner has failed to identify *specific* elements of the prior art which are allegedly relevant to *each* of the claimed features. Indeed, it is respectfully submitted that the Examiner has improperly discounted numerous features of the present invention embodied within the specific interconnections, inter-functionalities, arrangements and configurations of the claimed features. The Examiner provides absolutely no explanation as to how specifically the prior art allegedly discloses each element of each claim much less the claimed relationships.

For example, claim 34 embodies a downstream PHY section, a downstream data processing section, an upstream data processing section, and an upstream PHY section, set forth in a particular combinational arrangement and inter-functionality. The Examiner merely identifies col. 8, line 61 – col. 9, line 40 and all elements of Figure 2 of Hawe as disclosing the aforementioned features. However, the Examiner does not identify which element of Figure 2 reads on which element of the claimed combination, as required. Indeed, it is respectfully submitted that Hawe in fact does not disclose, at a minimum, the aforementioned features arranged and configured in the manner claimed. In this regard, as just one example, although Hawe appears to disclose a DES function module 26 for decryption and a DES function module 42 for encryption (*see* Figure 3), Hawe is completely silent as to a shared processing block for performing encryption or decryption for the processing block input data *according to the encryption/decryption switch signal*. The Examiner merely cites a general portion of Hawe (col. 19, line 7 – col. 20, line 44) with no explanation whatsoever as to how this portion is allegedly relevant to the claimed feature. Again, it is submitted that the cited portions of Hawe are completely unrelated to the claimed features.

As another example, claim 21 embodies a third selector for selecting one of the processing block input data, the output of the XOR operator, the delayed processing block input data and the delayed cipher-processed data *according to the encryption/decryption switch signal and the mode selection signal*, and outputting the selected data. Claim 21 further embodies a device in which the ECB processor performs either encryption or decryption as the ECB processing for the output of the third selector using the mode-adaptive key data according to the encryption/decryption switch signal and the mode selection signal, and outputs the result as the

cipher-processed data. The Examiner merely cites drawing 27 of JP '785 along with selectors 22, 23, 27, 31, 32, 35, 41 and 46 as allegedly being relevant. The Examiner appears to overlook the specific configuration and arrangement of the claimed selectors and merely alleges that the general disclosure of selectors is tantamount to the specifically claimed features of the present invention. The Examiner does not explain how the alleged selectors of JP '785 are arranged and configured in the manner claimed. Indeed, the Examiner merely references selectors with respect to the ECB processor and other claimed features, evidencing the Examiner's apparent disregard for numerous claimed features. In any event, contrary to the Examiner's allegation, it is respectfully submitted that JP '785 does not disclose the claimed features let alone as arranged in combination. Similar arguments can be made for claims 32 and 33.

As yet another example, claim 30 embodies a first input selector for selecting encrypted data or the output of the shared processing block and outputting the selected data to the data structure analysis block; a second input selector for selecting data to be encrypted or the output of the shared processing block and outputting the selected data to the data structure analysis block; and an output selector for selecting a predetermined value or the output of the shared processing block and outputting the selected data, wherein once processing in the shared processing block is performed for the encrypted data or the data to be encrypted for a predetermined number of times, the output selector selects the output of the shared processing block. The Examiner appears to admit that none of the cited prior art discloses these features, but improperly overlooks this admitted deficiency and merely concludes without prior art support that the differences would have been obvious.

If the Examiner intended to take Official Notice that the differences between the present invention and cited prior art are well-known in the art, then pursuant to MPEP § 2144.03, Applicants respectfully traverse such an assertion and **request the Examiner to cite a reference in support of his position** (see second paragraph, last three lines of MPEP § 2144.03, which requires the Examiner to cite a reference in support of his allegation of Official Notice when Applicants traverse). Indeed, only Applicants' specification discloses the claimed features, and supplies the motivation for providing it within the combination recited in the claims. In this regard, even assuming *arguendo* that 3DES *per se* is well known, the Examiner has failed to recognize the different possible arrangements/configurations/inter-functionalities in relation to performance thereof. In this regard, the cited prior art, at a minimum, does not disclose or suggest the particular arrangements/configurations/inter-functionalities of the claimed features.

In sum, the rejections fail to adequately establish the asserted rejections within the U.S. Patent and Trademark Office's codified rules. 37 C.F.R. § 1.104(c)(2) requires that "[i]n rejecting claims for want of novelty . . . *the particular part relied on must be designated as nearly as practicable.*" See also 35 U.S.C. § 132(a) ("Whenever, on examination, any claim for a patent is rejected, or any objection or requirement made, the Director shall notify the applicant thereof, *stating the reasons* for such rejection, or objection or requirement, *together with* such *information* and references as may be useful"). Contrary to these requirements, the Office Action only provides broad citations to portions of Hawe and JP '785 in support of its rejections; without any guidance as to which particular features of the prior art allegedly read on each and every element of the claims, or how they relate to the claimed limitations. Without a proper record of the basis of the rejections, (1) the Office Action has not satisfied the evidentiary burden required to establish a *prima facie* case in support of the rejections, and (2) Applicant is not

afforded a reasonable basis to productively respond to the rejections. Thus, Applicant respectfully requests that if Examiner sustains the above rejections, specific identification be made of any asserted deficiencies in the claims, so that they may be addressed or cured by Applicant.

Nonetheless, notwithstanding the Examiner's failure to satisfy the evidentiary requirement to support prior art rejections of the pending claims, as explained above, it is respectfully submitted that the prior art in fact does NOT disclose or suggest the claimed combinations.

As anticipation under 35 U.S.C. § 102 requires that each and every element of the claim be disclosed, either expressly or inherently (noting that "inherency may not be established by probabilities or possibilities", *Scaltech Inc. v. Retec/Tetra*, 178 F.3d 1378 (Fed. Cir. 1999)), in a single prior art reference, *Akzo N.V. v. U.S. Int'l Trade Commission*, 808 F.2d 1471 (Fed. Cir. 1986), based on the forgoing, it is submitted that the cited prior art does not anticipate the independent claims, nor any claim dependent thereon. The Examiner is directed to MPEP § 2143.03 under the section entitled "All Claim Limitations Must Be Taught or Suggested", which sets forth the applicable standard for establishing obviousness under § 103:

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. (citing *In re Royka*, 180 USPQ 580 (CCPA 1974)).

In the instant case, the pending rejection does not "establish *prima facie* obviousness of [the] claimed invention" as recited in the pending claims because the proposed combination fails the "all the claim limitations" standard required under § 103.

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are

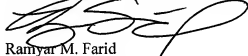
contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as the independent claims are patentable for the reasons set forth above, it is respectfully submitted that all claims dependent thereon are also patentable. In addition, it is respectfully submitted that the dependent claims are patentable based on their own merits by adding novel and non-obvious features to the combination.

Based on the foregoing, it is respectfully submitted that all pending claims are patentable over the cited prior art. Accordingly, it is respectfully requested that the rejections under 35 U.S.C. § 102/103 be withdrawn.

### **CONCLUSION**

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication for which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below. To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,  
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